

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLIFTON CRAWFORD,

Plaintiff,

-against-

ANNA ICCARI, Offender Rehabilitation
Coordinator,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 06/15/2022

7:22-CV-1469 (NSR)

ORDER OF SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff Clifton Crawford, who appears *pro se* and is currently incarcerated in the Fishkill Correctional Facility, brings this action under 42 U.S.C. § 1983, seeking damages. He sues Anna Iccari (or “Iccria”), an Offender Rehabilitation Coordinator at Fishkill.

By order dated February 28, 2022, the court granted Plaintiff’s request to proceed without prepayment of fees, that is, *in forma pauperis* (“IFP”).¹ The Court directs service on Iccari.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.² *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

¹ Prisoners are not exempt from paying the full filing fee, even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

² Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served a summons and the amended complaint until the Court reviewed the amended complaint and ordered that a summons be issued. The Court therefore extends the time to serve until 90 days after the date that a summons is issued.

To allow Plaintiff to effect service on Iccari through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Iccari. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Iccari.

If the amended complaint is not served within 90 days after the date that a summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss this action if Plaintiff fails to do so.

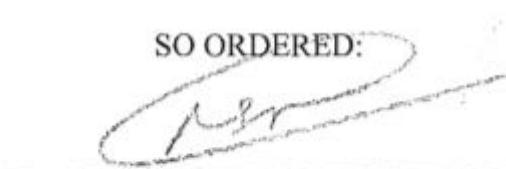
CONCLUSION

The Court directs the Clerk of Court to mail an information package to Plaintiff.

The Court also directs the Clerk of Court to: (1) issue a summons for Iccari; (2) complete a USM-285 form with the service address of Iccari; and (3) deliver all documents necessary to effect service of a summons and the amended complaint (ECF 8) on Iccari to the U.S. Marshals Service.

Dated: June 15, 2022
White Plains, New York

SO ORDERED:



NELSON S. ROMÁN
United States District Judge

DEFENDANT AND SERVICE ADDRESS

Anna Iccari (or "Iccria")
Offender Rehabilitation Coordinator
Fishkill Correctional Facility
18 Strack Drive
Beacon, New York 12508-0307